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April 29, 2021

Via ECF

Honorable H. Kenneth Schroeder, Jr.  
 United States Magistrate Judge  
 2 Niagara Square  
 Buffalo, NY 14202

RE: *Privacy International, et al. v. Federal Bureau of Investigation, et al.*, No. 18-cv-1488  
 Letter request for extension of time to file status report and proposed schedule

Dear Judge Schroeder:

Plaintiffs respectfully ask the Court to extend through June 11, 2021, the deadline to submit their joint status report and proposed schedule. The joint status report and proposed schedule is currently due this Friday, April 30, 2021. ECF No. 44. This is the parties' first request for an extension of that deadline. All parties consent to this request.

In this Freedom of Information Act case, Plaintiffs seek disclosure of records concerning law enforcement tools that enable remote access to computer systems—sometimes known as “hacking” tools—for purpose of domestic criminal and civil investigations. As explained in their status report of September 20, 2019, Plaintiffs seek records from seven law enforcement agencies and four offices of inspector general. ECF No. 23. Since September 2019, the parties have submitted quarterly status reports detailing the progress of these agencies in identifying and reviewing documents for disclosure, redaction, or withholding. *See* ECF Nos. 29, 32, 37, 39, 41, 43. On February 1, 2021, in response to the most recent status report, the Court ordered that “[t]he next status report shall include a proposed schedule for completion of production, the filing of dispositive motions, etc.” ECF No. 44.<sup>1</sup>

The parties have entered discussions regarding a proposed schedule to resolve this matter, but have not yet been able to reach agreement. One agency has yet to complete its review of responsive documents for potential release. Additional time would allow the parties to attempt to arrive at a mutually agreeable approach to expediting completion of that agency’s review. In addition, the parties have not yet been able to reach agreement regarding a potential schedule for dispositive motions and a process for the parties to identify and narrow any issues to be addressed in such motion practice. Given the relatively large number of defendant agencies involved in this matter, these discussions involve an

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<sup>1</sup> The case was reassigned to this Court on March 3, 2021, following the late Hon. Hugh B. Scott’s passing. ECF No. 45. The District Judge previously entered an order referring this case to the Magistrate Judge for all pre-trial matters and to hear and report on dispositive motions pursuant to 28 U.S.C. § 636(b)(1)(C). ECF No. 12.

unavoidable degree of complexity. The parties are not currently in a position to provide the Court with an agreed schedule.

An extension of the deadline through June 11, 2021, will allow the parties sufficient time to reach a set of agreements that will permit an efficient resolution of this matter, including completion of production and any dispositive motions.<sup>2</sup> For these reasons, the parties respectfully ask the Court to grant an extension through that date.

Respectfully submitted,

/s/ Jonathan Manes  
Jonathan Manes  
*Counsel for Plaintiffs*

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<sup>2</sup> In the event the parties are unable to reach a complete agreement, they will submit to the Court their respective positions on any disputed points.